

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



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Application of Pacific Gas and Electric Company for Approval of Energy Savings Assistance and California Alternate Rates for Energy Programs and Budgets for 2021-2026 Program Years. (U39M).

Application 19-11-003

And Related Matters.

Application 19-11-004

Application 19-11-005

Application 19-11-006

Application 19-11-007

JOINT STATUS UPDATE

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I. INTRODUCTION

Pursuant to the Administrative Law Judge's (ALJ) email ruling directing the parties to meet and confer, the above captioned parties met on April 30, 2020 to discuss the procedural schedule.¹ As directed by the ruling, the parties are filing a joint case management statement reporting on the proposed schedule by May 4, 2020. While not all the parties reached consensus on a modified schedule, there was general agreement that the schedule for intervenor and rebuttal testimony should be pushed out to at least June 11, 2020 and July 16, 2020, respectively. Most parties also agreed that rebuttal testimony should be further extended to July 30, 2020 considering work delays due to COVID-19. These revised dates will ensure that the Energy Saving Assistance (ESA) program workshops are completed before testimony is due and provide parties adequate time to develop testimony. The various proposed schedules and party support for those proposed schedules are indicated below in Section A, while Attachment A outlines the dates associated with various combinations of schedule scenarios.

Parties also discussed deadlines for the discovery cutoff and the motion for evidentiary hearings. While these dates were not contentious, a few parties had specific proposed deadlines, as stated in Section A below.

Lastly, given the uncertainty around COVID-19 and the ability to convene in person, the parties recommend the remainder of the schedule (i.e., evidentiary hearings and briefs) be revisited at a later time (e.g., early August). In addition, the Commission should consider any schedule impacts on deadlines that may occur from possible requests to respond to Energy Division whitepapers.

II. SCHEDULE PROPOSAL

The Natural Resources Defense Council (NRDC) and the National Consumer Law Center (NCLC) presented the following schedule at the meet and confer, which served as the general basis for party discussion:

Extend the testimony deadline at the same intervals as the current schedule, beginning after the last workshop (assumed to be 5/27/20):

¹ The following parties attended the meet and confer but did not sign on to this Joint Status Update: The East Los Angeles Community Union, the Maravilla Foundation, and the Association of California Community and Energy Services.

- **Intervenor Testimony:** June 11 (15 days after the last workshop)
- **Rebuttal Testimony:** July 16 (35 days after intervenor testimony is due)
- **Deadline to File a Motion to Request Evidentiary Hearings:** July 23 (7 days after rebuttal testimony is filed)
- **Discovery Cut-Off:** August 10 (17 days after deadline to file motion to request evidentiary hearings)
- **Given that COVID restrictions and activities post-COVID restrictions are uncertain, NRDC/NCLC recommend that the remaining schedule be revisited in early August pending more information on the pandemic**

A. Party Schedule Proposals and Comments

The following table presents party positions for various schedule scenarios discussed on April 30, 2020 meet and confer.²

#	Scenario	Party Support ³	Party Comments (Including Opposition)
1	NRDC/NCLC proposed schedule <i>as the minimum</i> extension (see scenarios below for more nuanced positions).	1. CETF 2. CforAT 3. EEC 4. Enervee 5. MCE 6. NCLC 7. NRDC 8. PG&E 9. Protect Our Communities 10. SCE 11. SCG 12. SDG&E 13. TURN 14. Public Advocates Office	1. SCE supports an extension of the schedule. SCE's first choice is Scenario 3 below (which incorporates NRDC's proposed schedule with additional time included for rebuttal). However, SCE supports Scenario 1, as SCE's second choice. SCE agrees with revisiting the remainder of the schedule in early August. SCE would like the remaining schedule to stay on track as much as possible but recognizes the schedule uncertainty due to COVID-19. SCE is comfortable with the Final Decision being issued in early 2021, but ideally before May 16, 2021, when additional bridge funding would be approved pursuant to D.19-06-022, OP 5. 2. SDG&E agrees with SCE's position, as stated above. 3. PG&E is also comfortable with the Final Decision being issued in early 2021, but ideally before May 16, 2021, when additional bridge funding would be approved pursuant to D.19-06-022, OP 5. 4. TURN supports this schedule but also supports the modifications proposed in scenarios 2, 3, and 4 as reasonable alternatives given the impacts of COVID-19 on party resources. TURN supports temporarily suspending

² See also Attachment A that outlines the various scenarios in the table.

³ California Emerging Technology Fund (CETF); Center for Accessible Technology (CforAT); Energy Efficiency Council (EEC); Marin Clean Energy (MCE); National Consumer Law Center (NCLC); Pacific Gas and Electric Company (PG&E); Southern California Edison Company (SCE); Southern California Gas Company (SCG); San Diego Gas & Electric Company (SDG&E); The Utility Reform Network (TURN); the Public Advocates Office at the California Public Utilities Commission (Public Advocates Office).

			the schedule for hearings and briefing and addressing dates for those events after the due date for motions to request evidentiary hearings.
2a and 2b	<p>Additional 7 or 14 days for intervenor testimony.</p> <p>*see Attachment A for a table of dates that correspond to the various scenarios*</p>	<ol style="list-style-type: none"> 1. CforAT (prefers 14 days) 2. EEC 3. Protect Our Communities 	<ol style="list-style-type: none"> 1. Protect our Communities based the proposal for 7-14 additional days on the interval between the original ESA workshop (April 14 and 15) and the new date (May 20 & 21), which is 36 days. Intervenor testimony would be 36 days from the date it is presently due, May 15, which is 7-14 days after NRDC/NCLC's proposed date for intervenor testimony. See the table below for an outline of the various scenarios. 2. CETF does not support because it wants a final decision by Dec 31, 2020. 3. PG&E does not object to additional time for intervenor testimony if additional time to rebuttal testimony is similarly granted. 4. SCE prefers Scenario 3, then Scenario 1, but would not oppose the additional 7-14 days for intervenor testimony proposed by Scenario 2. 5. SDG&E & SCG do not object if additional time for rebuttal testimony is similarly granted. 6. NRDC/NCLC do not oppose this scenario.
3	<p>Additional 14 days for rebuttal testimony.</p> <p>*see Attachment A for a table of dates that correspond to the various scenarios*</p>	<ol style="list-style-type: none"> 1. EEC 2. NRDC 3. NCLC 4. MCE 5. PG&E 6. SCE 7. SCG 8. SDG&E 9. Protect Our Communities 	<ol style="list-style-type: none"> 1. Those parties in support of this scenario prefer additional time but would continue to support NRDC/NCLC's proposed schedule if 14 additional days is not feasible. 2. CETF does not support because it wants a final decision by Dec 31, 2020. 3. Scenario 3 is SCE's first choice for schedule extension. 4. SCG believes this extension is necessary to allow more time to prepare rebuttal testimony. The SCG business unit that will work on the rebuttal testimony is the same team providing responses to Energy Division COVID-19 requests, Advanced Payment to ESA Contractors Draft Resolution E-5074 and multiple data requests. Additional time for rebuttal testimony will reduce the impact to the business unit arising from additional COVID-19 work demands. 5. SDG&E, PG&E, & SCE believe this extension is necessary to allow for more time to prepare rebuttal testimony at a time when our customer services groups, which are providing testimony in this proceeding, have been significantly impacted by work demands related to COVID-19, including changes to the CARE, FERA and ESA Programs that need to be addressed on an expedited basis. SDG&E, PG&E and SCE do not anticipate that these demands will dissipate in the near future. 6. The Public Advocates Office did not support the additional 2 weeks for rebuttal testimony in order to maintain proceeding completion by the end of the year

4	Additional 7 days for filing a motion for hearing. *see Attachment A for a table of dates that correspond to the various scenarios*	1. EEC 2. Protect our Communities	1. No parties opposed. 2. SCE prefers Scenario 3 but would not oppose integrating this request into that schedule. 3. SDG&E and SCG do not object. 4. NRDC/NCLC do not oppose this scenario.
5	Schedule must allow for a final decision by the end of 2020.	1. CETF	1. CETF understands the many challenges of the current era, but wants to drive a final decision by end of year so important benefits can flow to consumers. 2. SCE and PG&E: Due to the additional constraints on parties during the pandemic (e.g., additional work load, resource issues, telework constraints, etc.) and considering the existing bridge funding approval, SCE and PG&E believe that, under the circumstances, trying to retain an end-of-2020 decision as an absolute is not practical. As noted above, SCE and PG&E are comfortable with the Final Decision being issued in early 2021.
6	Schedule must take the time needed, even if that means pushing into the 6-month minimum approved bridge funding.	1. CforAT 2. EEC 3. PG&E 4. NCLC 5. NRDC 6. Protect Our Communities	1. CETF understands the many challenges of the current time, but wants to drive a final decision by end of year so benefits can flow to consumers. 2. SCE agrees that due to the extraordinary circumstances, the schedule must be flexible in order to accommodate COVID-19- related impacts. SCE is supportive of the Final Decision being issued in early 2021, with the proceeding moving forward as expeditiously as possible to ensure a Final Decision is issued prior to May 16, 2021 so that a second bridge funding is avoided. 3. PG&E appreciates parties' willingness to reevaluate the schedule considering the unprecedented situation facing us all. Therefore, PG&E is flexible with extensions to the schedule and does not generally object to parties' requests for more time, hence its support for Scenario 6. PG&E is also supportive of a Final Decision being issued in early 2021. Should a final decision issue after May 16, 2021, PG&E would extend bridge funding to prevent any possible gaps in treatment. ⁴ PG&E recommends revisiting details concerning bridge funding at a later date pending more information on the pandemic

B. Additional Questions for Consideration

The below sections summarize additional topics discussed at the meet and confer.

1. *Are there alternatives to in-person hearings given the COVID crisis that could achieve the same goal (e.g., discovery becomes part of the record, etc.)?*
 - a. CETF thinks that alternatives should be considered given "in-person" hearings may not be possible given the current health

⁴ D.19.-06-022, Ordering Paragraph 5.

emergency.

- b. SCE, TURN, NRDC, NCLC, PG&E, and SDG&E suggest revisiting this question in early August – along with the remaining schedule- to better assess whether such alternatives will be necessary.
 - c. Protect Our Communities notes that if it becomes apparent in the future that present COVID-19 mandates will be in effect for a prolonged and indefinite period, remote hearings should be considered at that time. See e.g., Cal. Rules of Court, Emergency Rule 3 (“Use of technology for remote appearances”).
 - d. SCG does not have a position on this issue at this time but agrees with revisiting this issue in August.
2. *Is there a need to have follow up guidance/discussion re: post-COVID program design and implementation or other related issues prior to a decision?*
- a. CETF encourages a discussion of how the COVID-19 emergency may impact the program roll-out generally. Clearly, social distancing may make residents uncomfortable about having outside contractors/utility employees on their property and in their homes. Also, the current health emergency points to the critical importance of broadband to utility users' homes to foster utility-customer communication as to all programs and wildfire emergency messages from a safety point of view.
 - b. SCE does not see the need for follow-up guidance or discussion on COVID-19-related issues prior to the decision.
 - c. At this time, PG&E does not believe there is a need to have follow up guidance/discussion re: post-COVID program design and implementation of other related issues prior to a decision. PG&E acknowledges this is an extremely fluid situation and is willing to revisit this at a later date.
 - d. SDG&E and SCG do not believe there is a need to have follow up guidance/discussion re: post-COVID program design and implementation of other related issues prior to a decision. SDG&E is willing to revisit this issue at a later date if circumstances change.
3. Are there ways to reduce the schedule post-cutoff date for discovery to still allow for a decision (or at least proposed decision) by the end of the year?
- a. SCE and PG&E suggest revisiting this question in early August, along with the remaining schedule, to better assess the practicality of potential schedule reductions
 - b. SDG&E and SCG do not have a position on this issue at this time.

III. CONCLUSION

The parties respectfully request that the ALJ review the parties' position and promptly issue a ruling establishing a modified schedule.

Respectfully submitted,

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ATTACHMENT A

ATTACHMENT A
Outline of Various Scenarios

Scenario	Description	Intervenor Testimony (IT)	Rebuttal Testimony (RT)	Motion for Hearings	Discovery Cut Off
1 (baseline timeline)	NRDC/NCLC Proposal based on 5/27 as final ESAP workshop, using the same intervals as existing schedule	6/11/2020 15 days after last workshop	7/16/2020 35 days after IT	7/23/2020 7 days after RT	8/10/2020 17 days after motion
Scenario 1+2a	7 additional days for IT (commensurate change to deadlines)	6/18/2020	7/23/2020	7/30/2020	8/17/2020
Scenario 1+2b	14 additional days for IT (commensurate change to deadlines)	6/25/2020	7/30/2020	8/6/2020	8/24/2020
Scenario 1+3	14 additional days for rebuttal testimony (no change to IT, commensurate change to deadlines)	6/11/2020	7/30/2020	8/6/2020	8/24/2020
Scenario 1+4	7 additional days to file a motion for hearings (no change to IT/RT; commensurate change to cut off)	6/11/2020	7/16/2020	7/30/2020	8/17/2020

Scenario	Description	Intervenor Testimony (IT)	Rebuttal Testimony (RT)	Motion for Hearings	Discovery Cut Off
Scenario 1+2a+3	7 additional days for IT 14 additional days for RT (commensurate change to other deadlines)	6/18/2020	8/6/2020	8/13/2020	8/31/2020
Scenario 1+2a+4	7 additional days for IT 7 additional days to file a motion for hearings (commensurate change to other deadlines)	6/18/2020	7/23/2020	8/6/2020	8/24/2020
Scenario 1+2a+3+4	7 additional days for IT 14 additional days for RT 7 additional days to file a motion for hearings (commensurate change to cut off)	6/18/2020	8/6/2020	8/20/2020	9/7/2020

Scenario	Description	Intervenor Testimony (IT)	Rebuttal Testimony (RT)	Motion for Hearings	Discovery Cut Off
Scenario 1+2b+3	14 additional days for IT 14 additional days for RT(commensurate change to other deadlines)	6/25/2020	8/13/2020	8/20/2020	9/7/2020
Scenario 1+2b+4	14 additional days for IT 7 additional days to file a motion for hearings (commensurate change to other deadlines)	6/25/2020	7/30/2020	8/13/2020	8/31/2020
Scenario 1+2b+3+4	14 additional days for IT 14 additional days for RT 7 additional days to file a motion for hearings (commensurate change to cut off)	6/25/2020	8/13/2020	8/27/2020	9/14/2020
Scenario 1+3+4	14 additional days for rebuttal testimony 7 additional days to file a motion for hearings (commensurate change to cut off)	6/11/2020	7/30/2020	8/13/2020	8/31/2020